

SENATE BILL NO. 169

INTRODUCED BY E. FRANKLIN

BY REQUEST OF THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING SCREENING OF PREGNANT WOMEN FOR HEPATITIS B; DEFINING "HEALTH CARE PROVIDER"; ALLOWING FOR A HEALTH CARE PROVIDER TO COLLECT PRENATAL TESTS; REQUIRING REPORTING OF POSITIVE TEST RESULTS FOR HEPATITIS B SURFACE ANTIGEN TO THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES; AND AMENDING SECTIONS 37-27-312, 50-19-101, 50-19-102, 50-19-103, 50-19-104, 50-19-105, AND 50-19-107, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 37-27-312, MCA, is amended to read:

"37-27-312. Screening procedures. In addition to meeting the eligibility criteria for client screening established by the board pursuant to 37-27-105, a direct-entry midwife shall recommend that patients secure the following services by an appropriate health care provider:

- (1) the standard serological test, as defined in 50-19-101(2), for women seeking prenatal care;
- (2) screening for ~~hepatitis B and, when appropriate,~~ human immunodeficiency virus, when appropriate;
- (3) maternal serum alpha-fetoprotein test and ultrasound, upon request;
- (4) Rh antibody and glucose screening at 28 weeks' gestation, upon request;
- (5) nonstress testing by a fetal monitor of a fetus at greater than 42 1/2 weeks' gestation or if other reasons indicate the testing;
- (6) screening for phenylketonuria;
- (7) Rh screening of the infant for RhoGAM treatment if the mother is Rh negative; and
- (8) screening for premature labor and other risk factors."

Section 2. Section 50-19-101, MCA, is amended to read:

"50-19-101. Definitions. (1) "Department" means the department of public health and human

1 services provided for in 2-15-2201.

2 (2) "Health care provider" means a licensed physician, a physician assistant-certified, a nurse
3 practitioner, a registered nurse, an advanced practice registered nurse, or a naturopathic physician, OR A
4 DIRECT-ENTRY MIDWIFE practicing within the scope of the provider's professional license.

5 ~~(2)~~(3) "Standard serological test" means a test for syphilis, rubella immunity, and blood group,
6 including ABO (Landsteiner blood type designation--O, A, B, AB) and RH (Dd) type, and a screening for
7 hepatitis B surface antigen, approved by the department."

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9 **Section 3.** Section 50-19-102, MCA, is amended to read:

10 **"50-19-102. Duties of department.** (1) The department shall provide all necessary printing and
11 pay all necessary expenses relative to administration of this part.

12 (2) Reasonable rules for reports to be submitted by any laboratory making tests and the manner
13 of furnishing the reports to the physician health care provider and the state ~~shall~~ must be adopted by the
14 department.

15 (3) The department may use information derived from reports of positive tests for sexually
16 transmitted diseases or hepatitis B surface antigen for ~~follow-up~~ followup procedures required by law or
17 considered necessary by the department for the protection of public health."

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19 **Section 4.** Section 50-19-103, MCA, is amended to read:

20 **"50-19-103. Prenatal blood sample required for serological test.** (1) Every female, regardless of
21 age or marital status, seeking prenatal care from a physician health care provider is required to submit a
22 blood specimen for the purpose of a standard serological test. In submitting the specimen to the
23 laboratory, the physician health care provider shall designate it as a prenatal test.

24 (2) ~~A physician or other person authorized by law to practice obstetrics~~ health care provider who
25 attends a pregnant woman shall at the first professional visit take the blood sample and submit it to a
26 laboratory.

27 (3) A person permitted to attend a pregnant woman, but not permitted to take blood samples,
28 ~~shall~~ must have the sample taken by a person permitted to take blood samples and submit it to a
29 laboratory.

30 (4) ~~Any physician or other person required to take the blood sample~~ A health care provider who

1 violates this part is guilty of a misdemeanor. However, a ~~person~~ health care provider who requests a
2 sample of blood in accordance with this provision and whose request is refused is not guilty of a violation
3 of this section."

4
5 **Section 5.** Section 50-19-104, MCA, is amended to read:

6 **"50-19-104. Approved laboratory to perform syphilis, hepatitis B surface antigen, and rubella**
7 **immunity tests.** (1) The tests for syphilis, hepatitis B surface antigen, and rubella immunity must be done
8 by the laboratory of the department, a laboratory approved by the department, any other state laboratory,
9 or a United States public health service or armed forces laboratory.

10 (2) The department may establish a reasonable fee for the tests done by the department
11 laboratory."

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13 **Section 6.** Section 50-19-105, MCA, is amended to read:

14 **"50-19-105. Report of positive test results.** All positive laboratory tests for any sexually
15 transmitted diseases or hepatitis B surface antigen must be reported to the department by the laboratory
16 preparing the test. The department shall prescribe the form and way of reporting."

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18 **Section 7.** Section 50-19-107, MCA, is amended to read:

19 **"50-19-107. Required and permissible exhibit of test results.** The report of the results of the test
20 ~~se~~ certified by the laboratory ~~shall~~ must be exhibited by the ~~physician~~ health care provider to the patient.
21 Upon request of the patient, the report of the results of the test may be exhibited to the spouse of the
22 patient, or if the patient is a minor, report of the results of the test may be exhibited to the minor's parents
23 or to the minor's legal guardian."

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